

EXHIBIT D



Madisonville, Louisiana

206 Covington Street
Madisonville, LA 70447

New York, New York

250 Park Avenue, Suite 2040
New York, NY 10177

San Francisco, California

912 Cole Street, # 251
San Francisco, CA 94117

Toll Free: (866) 467-1400
Phone: (504) 455-1400
Fax: (504) 455-1498

www.ksfcounsel.com

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The Firm

Kahn Swick & Foti, LLC ("KSF") (www.ksfcounsel.com) is a boutique law firm with offices in New York City, San Francisco and Louisiana. KSF focuses predominantly on class actions, in the areas of securities and consumer fraud, and on shareholder derivative and other complex litigation. Since its inception in 2000, KSF has recovered hundreds of millions of dollars for its clients.

The lawyers of KSF have extensive experience litigating complex cases in the following practice areas: (i) securities litigation; (ii) corporate governance and derivative litigation; (iii) consumer protection litigation; and (iv) shareholder merger and acquisition class action litigation. A sampling of the firm's current cases and recent recoveries is set forth below.

Securities Litigation

Current Cases

Archdiocese of Milwaukee Supporting Fund, et al., v. Halliburton Company, et al.

3:02-CV-1152-M

Northern District of Texas

Special Counsel for Plaintiff Class

Better, et al. v. YRC Worldwide, Inc. et al., 11-CV-2072-KHV/JPO

District of Kansas

Co-Lead Counsel

Chen v. CytRx Corporation, Inc. et al., 2:14-cv-01956-GHK

Central District of California

Lead Counsel

Ganues, et al. v. World Wrestling Entertainment, Inc., et al., 3:14-cv-1070-AWT

District of Connecticut

Lead Counsel

In re Orexigen Therapeutics, Inc., Securities Litigation, 15cv540 L (KSC)

Southern District of California

Lead Counsel

Pearlstein v. Blackberry Ltd., et al., 1:13-CV-07060-TPG

Southern District of New York

Lead Counsel

In re Rocket Fuel, Inc. Securities Litigation, 4:14-cv-03998-PJH

Northern District of California

Co-Lead Counsel

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In re Tesco PLC Securities Litigation, 14 Civ. 8495 (RMB)
Southern District of New York
Lead Counsel

Tony Nguyen v. Endocyte, Inc. and P. Ron Ellis, 1:14-cv-1048-TWP-MJD
Southern District Indiana
Lead Counsel

Recent Victories

Erica P. John Fund, Inc. v. Halliburton Co., et al., No. 12-10544 (5th Cir. 2013), Special Counsel, federal securities class action against oilfield services company and a high-level officer, in which KSF was part of the team that obtained a unanimous decision by the Fifth Circuit affirming the district court's decision to grant class certification, which was appealed by defendants after the U.S. Supreme Court's unanimous decision discussed below.

Erica P. John Fund, Inc. v. Halliburton Co., et al., 131 S. Ct. 2179 (2011), Special Counsel, federal securities class action against oilfield services company and a high-level officer, in which KSF was part of the team that obtained a unanimous decision by the U.S. Supreme Court vacating and remanding a decision of the Fifth Circuit regarding class certification.

Roberto Cohen v. NVIDIA Corp., 11-cv-17708 (9th Cir. 2009), federal securities class action brought against technology company and certain officers and directors, in which KSF and co-counsel obtained a unanimous decision by the Ninth Circuit on a petition for writ of mandamus seeking to vacate a lead plaintiff decision. KSF is currently Co-Lead Counsel in this case.

Recent Recoveries

In re Virgin Mobile USA IPO Litigation, 2:07-cv-05619-SDW-MCA (D.N.J.), *Co-Lead Counsel*, federal securities IPO-related class action against a company providing wireless communication services, certain officers and directors, certain controlling shareholder entities, and Virgin's underwriters, resulting in a cash settlement of **\$19.5 million** for investors.

In re BigBand Networks, Inc Securities Litigation, 3:07-CV-05101-SBA (C.D. Cal.), *Co-Lead Counsel*, federal securities class action brought against a computer hardware corporation, certain officers and directors of the Company, and the Company's Underwriters, resulting in a cash settlement of **\$11 million** for investors.

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In re U.S. Auto Parts Networks, Inc. Securities Litigation, 2:07-cv-02030-GW-JC (C.D. Cal.), *Lead Counsel*, federal securities IPO-related class action against an online automotive supply company, certain members of its board of directors, and its underwriters, resulting in a cash settlement of **\$10 million** for investors.

In re ShoreTel, Inc. Securities Litigation, 3:08-cv-00271-CRB (N.D. Cal.), *Lead Counsel*, federal securities IPO-related class action brought against an Internet protocol telecommunications company, certain of its officers and directors, and its underwriters, resulting in a cash settlement of **\$3 million** for investors.

In re Xethanol Corporation Securities Litigation, 1:06-cv-10234-HB (S.D.N.Y.), *Lead Counsel*, federal securities fraud class action against an ethanol production company and certain of its officers and directors, resulting in a cash settlement of **\$2.8 million** for investors.

Mongeli v. Terayon Comm. Systems Inc. et al., 4:06-cv-03936-CW (N.D. Cal.), *Co-Lead Counsel*, federal securities fraud class action brought against a communications systems corporation, the Company's outside auditor, and certain officers and directors, resulting in a cash settlement of **\$2.73 million** for investors.

In re Opteum, Inc., Securities Litigation, 2:07-cv-14278-DLG (S.D. Fla.), *Co-Lead Counsel*, federal securities fraud class action brought against a Real Estate Investment Trust and certain of its officers and directors, resulting in a cash settlement of **\$2.35 million** for investors.

In re: Meta Financial Group Inc., Securities Litigation, 10-4108-MWB, (N.D. Iowa), *Lead Counsel*, federal securities fraud class action against a bank and certain officers and directors, resulting in a cash settlement of **\$2.1 million** for investors (constituting 37.5% of maximum potential damages).

Corporate Governance and Derivative Litigation

Current Cases

In re American Apparel, Inc. 2014 Derivative Shareholder Litigation Lead Case No. 14-CV-5230-MWF (JEMx)
Central District of California
Co-Lead Counsel

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In re Chesapeake Energy Corp. 2012 Shareholder Derivative Litigation CIV-12-436M
Western District of Oklahoma
Lead Counsel

In re FAB Universal Corporation Shareholder Derivative Lit., Lead Case No. 14-cv-687
Southern District of New York
Lead Counsel

Horbal v. Damico (IntraLinks Holdings, Inc. Derivative Litigation), No. 651228/2012
Supreme Court of the State of New York, New York County
Counsel for Plaintiff

Korda v. Oesterle (Angie's List, Inc. Derivative Litigation), No. 1:14-cv-00004
Southern District of Indiana
Counsel for Plaintiff

Lowry v. Basile (Violin Memory, Inc. Derivative Litigation), No. 4:13-cv-05768
Northern District of California
Counsel for Plaintiff

Marvin H. Maurras Revocable Trust v. Bronfman (Accretive Health, Inc. Derivative Litigation), No. 12-cv-03395
Northern District of Illinois
Counsel for Lead Plaintiffs

Orrego v. Lefkofsky (Groupon, Inc. Derivative Litigation), No. 12 CH 12420
Circuit Court of Cook County, Illinois, Chancery Division
Co-Lead Counsel

In re Polycom, Inc. Derivative Shareholder Litigation, No. 1-13-CV-256608
Superior Court of the State of California, Santa Clara County
Co-Lead Counsel

In re Star Scientific, Inc. Virginia Circuit Court Derivative Litigation, Lead Case No. CL13-2997-6
Circuit Court of the City of Richmond, Virginia
Lead Counsel

Recent Recoveries

In re Bank of America Corp. Securities, Derivative, and Employment Retirement Income Security Act (ERISA) Litigation, 09 Civ.580 (DC) (S.D.N.Y.). As Co-Lead Counsel in this shareholder derivative action filed in the Southern District of New York on behalf of Bank of America Corp. against current and former executive officers and directors of the company related to Bank of America's January 1, 2009, acquisition of Merrill Lynch & Co., Inc. in a stock-for-stock transaction, alleging, among other things, that certain material information was omitted from the joint definitive proxy statement filed with the Securities and Exchange Commission and mailed to stockholders on November 3, 2008 seeking shareholder consent for the issuance of shares necessary to consummate the Merger and

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certain other related matters and that the individual defendants breached their fiduciary duties in connection with the merger. KSF helped obtain a novel settlement with the defendants in which Bank of America agreed to adopt extensive corporate governance reforms that directly address the alleged deficiencies that gave rise to this action and are directly tailored towards avoiding a recurrence of the failures alleged in the action, including the formation of a board-level committee to oversee certain future acquisitions, and which resulted in a **\$62.5 million** cash payment to Bank of America.

In re Barnes & Noble Stockholder Derivative Litigation, C.A. No. 4813-VCS (Del. Ch. Ct.). As Co-Lead Counsel in this shareholder derivative action filed in the Court of Chancery of the State of Delaware on behalf of Barnes & Noble, Inc. against certain of its officers and directors, including Chairman Leonard Riggio, related to the company's 2009 acquisition of Mr. Riggio's private company Barnes & Noble College Booksellers, Inc., alleging that the purchase price, and the process by which it was agreed to, was not entirely fair to Barnes & Noble, Inc. and harmed shareholders, KSF helped obtain a settlement resulting in the recovery of **\$29 million** for Barnes & Noble, Inc. in the form of reductions to the principal and interest payable to Mr. Riggio

In re Moody's Corporation Shareholder Derivative Litigation, No. 1:08-CV-9323 (S.D.N.Y.). As Lead Counsel for the demand-excused shareholder derivative actions filed on behalf of Moody's Corporation against current and former executive officers and directors of the company, asserting various claims, including for breach of fiduciary duty, in connection with, inter alia, Moody's credit ratings on various mortgage-backed securities, KSF helped obtain a settlement in which the settling defendants agreed that Moody's had implemented or will adopt, enhance and/or maintain certain governance, internal control, risk management and compliance provisions, designed to identify, monitor and address legal, regulatory and internal compliance issues throughout the business and operations of Moody's Investors Service, Inc., the credit rating agency operating subsidiary of the company

In re Morgan Stanley & Co., Inc. Auction Rate Securities Derivative Litigation, No. 1:08-CV-07587-AKH (S.D.N.Y.). As Lead Counsel for shareholders in this federal derivative action against a prominent broker-dealer to redress harms to the company from its sales and marketing of auction rate securities, KSF obtained substantial corporate governance reforms that promised to avoid a recurrence of similar harms in the future.

Weil v. Baker, No. 08-CA-00787-SS (***In re ArthroCare Corp. Securities Litigation***, No. 08-cv-574-SS) (W.D. Tex.). As Co-Lead Counsel in the consolidated federal derivative action on behalf of ArthroCare Corporation against certain of its officers and directors arising from

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alleged improprieties in the company's marketing of spine wands, KSF helped obtain a cash settlement of **\$8 million**, along with important corporate governance changes.

In re ProQuest Co. Shareholder Deriv. Litig., No. 2:06-cv-11845-AC-MKM (E.D. Mich.). As Co-Lead Counsel in a federal derivative action filed on behalf of ProQuest (now Voyager Learning Company) against certain of its officers and directors, KSF helped obtain a settlement including important corporate governance changes.

Consumer Protection Litigation

Recent Recoveries

In re: General Motors Corp. Speedometer Products Liability Litigation, MDL No. 1896, *Co-Lead Counsel*. Appointed co-lead counsel for national class of 4.2 million purchasers of certain GM trucks with defective speedometers. The case was resolved successfully by GM agreeing to fix defective speedometers for free and to reimburse class members for all past repair costs.

Rose Goudeau, et. al. v. The Administrators of the Tulane Educational Fund, et. al., No. 2004-04758, Sec. 13, Div. J (Civil District Court for the Parish of Orleans), *Class Co-Counsel*. Nationwide class action certified on behalf of near relatives of individuals who donated their bodies to the Tulane Willed Body Program. The complaint alleged that the Tulane Willed Body Program sold the donated bodies and/or body parts to third parties. A settlement of **\$8,300,000** was obtained for the class members.

Sterling Savings Bank v. Poleline Self-Storage LLC, No. CV-09-10872 (Idaho Dist. Ct.), *Class Counsel*. In this putative class action, a borrower alleged that the Bank improperly used the 365/360 method of interest calculation on several commercial loans. A settlement of **\$3.5 million** was recovered for bank customers.

Shareholder M&A Class Action Litigation

Current Cases

In re BTU International, Inc. Stockholders Litigation, Consol. Case No. 10310-CB
Delaware Court of Chancery
Co-Lead Counsel

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In re Concur Technologies, Inc. Shareholder Litigation, Case No. 14-2-26630-8
King County Superior Court, Washington
Lead Counsel

Helen Moore v. Macquarie Infrastructure and Real Assets, et al. (Cleco Corporation Merger), Case No. 251,417, c/q 251,456 and 251,515, Div. "C"
Ninth Judicial District Court for the Parish of Rapides, Louisiana
Interim Co- Lead Counsel

Heron v. International Rectifier Corporation, et al., Case No. BC556078
Superior Court of the State of California, County of Los Angeles
Co-Lead Counsel

In re LCA-Vision Inc. Stockholders Litigation, C.A. 9369-VCL
Delaware Court of Chancery
Co-Lead Counsel

Miller v. Hawaiian Electric Industries, Inc. (Hawaii Electric Industries, Inc. Merger), Civil
No. 14-1-2531-12 KTN
First Circuit Court, State of Hawaii
Co-Lead Counsel

In re Paramount Gold and Silver Corp. Stockholders Litigation, Consol. Case No. 10499-
VCN
Delaware Court of Chancery
Member of Executive Committee

In re Riverbed Technology Inc Stockholders Litigation, Consol. Case No. 10484-VCG
Delaware Court of Chancery
Member of Executive Committee

In re Saba Software, Inc. Stockholder Litigation, Consol. Case No. 10697-VCN
Delaware Court of Chancery
Member of Executive Committee

In re Sigma-Aldrich Corporation Shareholder Litigation, Case No. 1422-CC09684
Circuit Court for the 22th Judicial Circuit, Missouri
Co-Lead Counsel

In re Susser Holdings Corp. Stockholders Litigation, C.A. 9613-VCG
Delaware Court of Chancery
Co-Lead Counsel

Turberg v. Forest Laboratories, Inc., et al., Index No. 650579/2014
Supreme Court of the State of New York, County of New York
Member of the Executive Committee

In re Zale Corporation Stockholders Litigation, C.A. 9388-VCP
Delaware Court of Chancery
Member of Plaintiffs' Executive Committee

Successfully Resolved Cases

In re Adams Golf Shareholder Litigation, C.A. No. 7354-VCL (Del. Ch. 2012). *Chair of Plaintiffs' Executive Committee*. Class action for breach of fiduciary duties to shareholders relating to a proposed merger of sporting goods companies. Settlement consisted of additional material disclosures to proxy statements.

In re EnergySolutions, Inc. Shareholder Litigation, C.A. 8203-VCG (Del. Ch. 2014). *Plaintiff's Co-Lead Counsel*. Class action for breach of fiduciary duties to shareholders relating to a proposed merger of nuclear energy related companies worth \$1.1 billion (\$375 million in proposed shareholder consideration). Settlement consisted of \$0.40 price bump which increased the consideration to shareholders by more than 10% or approximately \$38 million. Settlement also included over 20 pages of additional disclosures to proxy statement relating to process and pricing claims.

Hill v. Cohen, et al. (Summit Financial Services Group, Inc.), 2013 CA 017640 (15th Jud. Cir. Ct., Fla.). *Co-lead counsel*. Class action for breach of fiduciary duties to shareholders relating to a proposed merger of a financial services company. Contingent and delayed aspects of the proposed merger consideration, worth several million dollars, were accelerated and paid to shareholders ahead of schedule and settlement involved several pages of additional disclosures were made to the proxy statement.

In re Medtox Scientific, Inc. Shareholders Litigation, Court File No. 62-CV-12-5118 (Minn. Dist. Ct. 2013). *Plaintiffs' Lead Counsel*. Class action for breach of fiduciary duties to shareholders relating to a proposed merger of medical technology companies. Settlement consisted of additional material disclosures to proxy statement.

Sachs Investment Group v Sun Healthcare Group, Inc., et al. 30-2012-580354-CU-SL-CXC (Sup. Ct. of Cal., 2013). *Plaintiffs' Counsel*. Class action for breach of fiduciary duties to shareholders relating to a proposed merger of healthcare companies. Settlement consisted of additional material disclosures to proxy statement.

Attorneys

Partners

Lewis S. Kahn

Lewis Kahn is a founding partner of KSF and serves as the firm's managing partner. A substantial portion of Mr. Kahn's practice is devoted to representing shareholders in connection with damages suffered as a result of securities fraud and breaches of fiduciary duties.

Mr. Kahn has represented lead and representative plaintiffs in numerous national cases, including *In re Bank of America Corp. Securities, Derivative, and Employment Retirement Income Security Act (ERISA) Litigation*, 09 Civ.580 (DC) (S.D.N.Y.) (**\$62.5 million** cash payment to Bank of America o/b/o Board); *In re Barnes & Noble Stockholder Derivative Litigation*, C.A. No. 4813-VCS (Del. Ch. Ct.) (recovery of **\$29 million** for Barnes & Noble, Inc. in the form of reductions to the principal and interest payable to CEO); and *In re EnergySolutions, Inc. Shareholder Litigation*, C.A. 8203-VCG (Del. Ch. 2014) (\$0.40 price bump which increased the consideration to shareholders by more than 10% or approximately **\$38 million**).

Additionally, Mr. Kahn oversees the firm's securities class action practice, which has been responsible for settlements including *In re Virgin Mobile USA IPO Litigation*, 2:07-cv-05619-SDW-MCA (**\$19.5 million settlement**), *In re BigBand Networks, Inc Securities Litigation*, 3:07-CV-05101-SBA (**\$11 million settlement**), and *In re U.S. Auto Parts Networks, Inc. Securities Litigation*, 2:07-cv-02030-GW-JC (**\$10 million settlement**). Moreover, Mr. Kahn is co-counsel with David Boies in the long-running securities class action against Halliburton, where the firm has twice beaten back [Halliburton's attempt in the United States Supreme Court to eviscerate shareholder rights](#). Mr. Kahn oversees one of the most successful U.S. appellate practices in the securities field.

In addition to securities lawsuits, Mr. Kahn has significant experience with consumer fraud and mass tort class actions. Mr. Kahn has been appointed to various leadership positions in federal class action litigation. Mr. Kahn also manages the firm's portfolio monitoring program for public and private institutional investors.

Mr. Kahn holds a Bachelor's degree from New York University and received a Juris Doctor from Tulane Law School in 1994. He has been a member of the Louisiana State Bar

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Association since 1995, and is admitted to practice law before the United States Supreme Court, United States Court of Appeals for the 2nd Circuit, and the United States District Courts for the Eastern, Middle and Western Districts of Louisiana.

Michael A. Swick

Michael A. Swick is a co-founding partner of KSF and heads the firm's case starting department, overseeing case evaluation and initiation in the firm's securities, shareholder derivative and mergers & acquisitions practice groups. Prior to founding KSF, Mr. Swick had a distinguished career working at several of the nation's premiere class action litigation firms.

Relying on analytical skills honed at Tulane Law School and Columbia University's Graduate program of Arts & Sciences, throughout his career, Mr. Swick has played an important role in investigating large securities frauds and in developing and initiating litigations against the nation's largest corporations. Over his career, Mr. Swick has also participated in the litigation of cases that have resulted in hundreds of millions of dollars in recoveries for aggrieved shareholders and institutional investors.

Mr. Swick also works closely with the firm's institutional investor clients and participates in the management and development of KSF's portfolio monitoring systems.

In addition to his unique educational background, following law school, Mr. Swick also worked on the New York Mercantile Exchange, where he was involved first-hand, in the open-outcry trading of crude oil and natural gas futures and options contracts.

Mr. Swick received a Juris Doctor from Tulane Law School in 1994, and a Masters of Political Philosophy from Columbia University Graduate School of Arts & Sciences in 1989 as well as a joint B.A. in Philosophy and Political Science from State University of New York at Albany in 1988. Mr. Swick was admitted to the State Bar of New York in 1997 and is admitted to practice before the United States District Court for the Southern District of New York, and the United States Supreme Court.

Charles C. Foti, Jr.

Charles C. Foti, Jr. served as the Attorney General for the state of Louisiana from 2004-2008, after serving for 30 years as one of the most innovative law enforcement officials in the United States as Orleans Parish Criminal Sheriff. Throughout his career, General Foti has remained committed to public service.

As Attorney General for the state of Louisiana, General Foti's achievements include:

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- Recovering over \$24 million for Louisiana consumers in consumer fraud matters, \$8 million in anti-trust litigation, \$9.1 million for state employees through Office of Group Benefits, over \$2 million for auto complaints, over \$33 million in Medicaid Fraud.
- Investigating and apprehending numerous contractor fraud criminals in the wake of one of the worst natural disasters in United States history, Hurricane Katrina.
- Doubling the number of arrests for crime against children through the Louisiana Internet Crimes Against Children Task Force.

Prior to serving as Louisiana Attorney General, over the course of a distinguished career spanning decades, General Foti took countless cases to trial. General Foti served as the head of the criminal division of the city of New Orleans Attorney's Office. He served as the police attorney for the city of New Orleans and prosecuted federal cases including prisoner overcrowding cases. He also served as an assistant District Attorney for Orleans Parish. Even early in his career, he tried cases as in house counsel for the nationally-known insurance carrier, Allstate.

In his tenure as Orleans Parish Criminal Sheriff, General Foti oversaw the enormous expansion of the parish jail, growing from 800 prisoners in 1973 to more than 7,000 currently. As the prison expanded, so did the need for education and rehabilitation skills for prisoners. As Sheriff, General Foti started the first reading and GED programs, work release programs, drug treatment programs and the nation's first boot camp at the local level, all to prepare prisoners for a future without crime. Administratively, General Foti managed a multi-million dollar budget and a complex organization of more than 1,400 employees.

General Foti has for many years been an advocate for the elderly. As Sheriff, he and a small army of volunteers provided Thanksgiving meals for senior citizens in the New Orleans area. He started a back-to-work program for senior citizens that helps people over the age of 55 get back into the workforce.

General Foti received his Juris Doctor degree from Loyola University Law School in 1965, after serving his country in the United States Army from 1955 through 1958.

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Kim E. Miller

Kim E. Miller is a KSF partner who specializes in securities litigation and other complex class action litigation. Ms. Miller also supervises the New York City office of KSF. Prior to joining the firm in 2006, Ms. Miller was a partner at one of the nation's leading plaintiff class action firms. Ms. Miller also spent two years as a securities litigator on the defense side.

Over the course of her career, Ms. Miller has represented many thousands of harmed investors in class actions filed throughout the country. In a recent Order and final judgment in which KSF served as Lead Counsel, *Elgaouni v. Meta Financial Group, Inc.*, 10-4108-MWB (N.D. Iowa) (June 29, 2012) (Bennett, J.) the Federal District Court noted:

"Indeed, I find that this action has been a model of how complex class actions should be conducted. Counsel for the Lead Plaintiff, Kim Miller, and her firm, Kahn Swick & Foti, L.L.C., and [Defense Counsel] showed the utmost professionalism and civility, required very limited court intervention while diligently pursuing their objectives, and sought and obtained a fair and reasonable settlement before incurring substantial costs for discovery and trial preparation, all to the benefit of the Lead Plaintiff, Class Members, and the Defendants....I applaud their skill, expertise, zealouslyness, judgment, civility, and professionalism in putting the best interests of their respective clients first and not only foremost, but exclusively ahead of their law firms' financial interests. Ms. Miller and [Defense Counsel] and their respective law firms earned my unyielding admiration and respect in this case for the efficient and exceptionally reasonable way in which they found a prompt, fair, and equitable solution to the complex problems their clients faced in this litigation, and they accomplished all of this with virtually no judicial intervention. In sum, my only deeply held regret in this case is that bioscience has not sufficiently advanced to allow the cloning of Ms. Miller and [Defense Counsel] for lead counsel roles in all complex civil class action litigation in the Northern District of Iowa."

At another recent settlement hearing in which KSF served as Lead Counsel, *In re ShoreTel, Inc. Sec. Litig.*, 3:08-cv-00271-CRB (N.D. Cal.), the Federal District Court (Breyer, J.) noted, with respect to Ms. Miller, "You're one of the best lawyers to appear in front of me in a long time..."

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In addition to litigating many securities fraud and IPO-related securities cases, Ms. Miller has worked extensively on cases involving allegations of improper directed brokerage arrangements and excessive charges in mutual fund cases brought pursuant to the 1934 Securities Exchange Act and/or the Investment Company Act of 1940. She was also involved in the mutual funds late trading/market timing litigation. Ms. Miller's class action trial experience includes participating as a trial team member in a four-month jury trial involving fraud-based claims the resulted in a jury verdict in favor of Plaintiffs and the Class.

In the course of her career, Ms. Miller has been involved in a variety of cases in which large settlements were reached, including:

- **Settlement value of \$127.5 million** *Spahn v. Edward D. Jones & Co., L.P.*, 04-cv-00086-HEA (E.D. Mo.)
- **\$110 Million Recovery.** *In re StarLink Corn Products Liability Litigation*, MDL No. 1403 (N.D. Ill.)
- **\$100 Million Recovery.** *In re American Express Financial Advisors, Inc. Sec. Litig.*, 1:04-cv-01773-DAB (S.D.N.Y.)

Ms. Miller is KSF's lead litigator in its securities class action practice. While at KSF, Ms. Miller has supervised all aspects of the following successful litigations, among many others: *In re Virgin Mobile USA IPO Litig.*, 2:07-cv-05619-SDW-MCA (D.N.J.) (**\$19.5 million settlement**); *In re BigBand Networks, Inc. Sec. Litig.*, 3:07-CV-05101-SBA (N.D. Cal.) (**\$11 million settlement**); and *In re U.S. Auto Parts Networks, Inc. Sec. Litig.*, 2:07-cv-02030-GW-JC (C.D. Cal.) (**\$10 million settlement**).

Ms. Miller is also currently the lead litigator in the following cases in which KSF is Lead or Co-Lead Counsel: *Stan Better and YRC Investors Group v. YRC Worldwide, Inc. et al.*, 2:11-cv-02072-KHV-JPO (D. Kan.); *Gooden v. Smart Online, et al.*, 1:07-cv-785-WLO (M.D.N.C.); *In re Tesco PLC Securities Litigation*, 14 Civ. 8495 (RMB), (S.D.N.Y.); *Ganues, et al. v. World Wrestling Entertainment, Inc., et al.*, 3:14-cv-1070-AWT, (D. Conn.); *Pearlstein v. Blackberry Ltd., et al.*, 1:13-CV-07060-TPG (S.D.N.Y.); and *Tony Nguyen v. Endocyte, Inc. and P. Ron Ellis*, 1:14-cv-1048-TWP-MJD, (S.D. Ind.).

Ms. Miller is also currently the lead litigator for the firm in its role as Special Counsel for Plaintiffs in *Archdiocese of Milwaukee Supporting Fund, et al., v. Halliburton Company, et al.*, 3:02-CV-1152-M (N.D. Tex.).

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After graduating with honors from Stanford University in 1992 with a double major in English and Psychology, Ms. Miller earned her Juris Doctor degree from Cornell Law School, *cum laude*, in 1995. While at Cornell, Ms. Miller was the Co-Chair of the Women's Law Symposium, Bench Brief Editor of the Moot Court Board, and a member of the Board of Editors of the Cornell Journal of Law & Public Policy. She was also a judicial intern for The Honorable David V. Kenyon in the Central District of California. Her *pro bono* work includes representing families of 9/11 victims at *In re September 11 Victim Compensation Fund* hearings. Ms. Miller has also served as a fundraiser for the New York Legal Aid Society. She is admitted to practice in the States of California and New York and before the United States District Courts for the Southern and Eastern Districts of New York and the Northern, Southern, and Central Districts of California. She is also admitted to the United States Courts of Appeal for the Second, Fifth, Ninth and Eleventh Circuits.

Ramzi Abadou

Mr. Abadou is a KSF partner who oversees KSF's San Francisco office. He specializes in securities litigation and has been responsible for securing securities recoveries exceeding \$1 billion for defrauded investors. Before joining KSF, Mr. Abadou was the managing partner of an east coast-based plaintiff class action firm's San Francisco office and a partner at a prominent plaintiff class action firm in San Diego.

He is responsible for numerous precedent-setting decisions at all stages of securities litigation, including *In re HP Secs. Litig.*, 2013 U.S. Dist. LEXIS 168292 (N.D. Cal. 2013); *In re MGM Mirage Sec. Litig.*, 2013 U.S. Dist. LEXIS 139356 (D. Nev. 2013); *Dobina v. Weatherford Int'l*, 909 F. Supp. 2d 228 (S.D.N.Y. 2012); *Minneapolis Firefighters' Relief Ass'n v. Medtronic, Inc.*, 278 F.R.D. 454 (D. Minn. 2011); *In re SemGroup Energy Partners, L.P.*, 729 F. Supp. 2d 1276 (N.D. Okla. 2010); *Borochoff v. Glaxosmithkline PLC*, 246 F.R.D. 201 (S.D.N.Y. 2007); and *In re Cardinal Health, Inc. Sec. Litig.*, 226 F.R.D. 298 (S.D. Ohio 2005).

In 2010, Mr. Abadou was named one of the Daily Journal's Top 20 Lawyers in California under 40 and, since 2012, has been selected for inclusion in either Super Lawyers or Benchmark Litigation as a leading securities litigation practitioner. He has lectured on securities litigation at Stanford University Law School, the University of San Diego School of Law and Boston College Law School and is a faculty member for the Practicing Law Institute's Advanced Securities Litigation Workshops.

Over the years, federal courts have also commended Mr. Abadou for his handling of securities matters. In *Minneapolis Firefighters' Relief Association v. Medtronic, Inc. et al.*

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Case No. 0:08-cv-06324-PAM-AJB (D. Minn.) (November 8, 2012), the Hon. Chief Magistrate Judge Arthur Boylan stated:

“I’ve been a judge, as you know, either in state or federal court, for over 26 years, and you get a feel for [] the quality of representation before you. But more than that, the quality of the people, personally and professionally. And [] the gentlemen who are here in the courtroom, [] Ramzi [Abadou], exhibited such professionalism and such hard work and such good faith in pursuing this.”

Similarly in Tripp, et al. v. IndyMac Bancorp, Inc., et al., Case No. 2L07-CV-1635-GW (VBK) (January 28, 2013), the Hon. George H. Wu stated in reference to Mr. Abadou that:

“Counsel actively, thoroughly and impressively litigated a complex subject matter (both factually and legally), all the while confronting formidable defense counsel. Obviously, the plaintiff class did not face a simple path if it continued with this litigation into further discovery, summary judgment motions and, eventually, trials and, potentially appeals. Counsel has obtained a not insubstantial settlement figure as the result of their hard, and capable, work.”

Mr. Abadou is a member of the San Francisco Bar Association, the Federal Bar Association for the Northern District of California and is a pro bono panelist with Federal Bar Association Justice & Diversity Project. He is admitted to the California Bar and is licensed to practice in all California state courts, as well as all of the United States District Courts in California and the United States Court of Appeals for the Ninth Circuit.

J.D. Boston College Law School (2002)

M.A. Columbia University in the City of New York (1997)

B.A. Pitzer College (1994)

Melinda A. Nicholson

Melinda A. Nicholson, a partner in KSF’s Louisiana office, focuses on shareholder derivative and class action litigation, representing institutional and individual shareholders in corporate governance litigation and securities fraud actions. Prior to joining the firm in 2010, Ms. Nicholson worked for defense firms in New York, handling complex commercial litigations and regulatory investigations involving a variety of legal issues, including fiduciary obligations, securities violations, contractual breaches, antitrust and insurance coverage.

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Ms. Nicholson is actively involved in cases pending before various federal and state courts across the United States, including:

- *In re Chesapeake Energy Corp. 2012 Shareholder Derivative Litigation*, CIV-12-436M (W.D. Okla.) (Lead Counsel);
- *Orrego v. Lefkofsky (Groupon, Inc. Derivative Litigation)*, 12 CH 12420 (Ill. Cir. Ct., Cook Cnty., Ch. Div.) (Co-Lead Counsel).
- *in re Polycom, Inc. Derivative Shareholder Litigation*, 1-13-CV-256608 California Superior Court, Santa Clara County (Co-Lead Counsel)

Since joining KSF, Ms. Nicholson has also been involved in a number of cases which ultimately resulted in successful settlements, including:

- *In re Bank of America Corporation Securities, Derivative, and Employee Retirement Income Security Act (ERISA) Litigation*, No. 09-MD-2058 (S.D.N.Y.) (Court-approved settlement including **\$62.5 million cash recovery** and substantial corporate governance changes);
- *In re Barnes & Noble Stockholder Derivative Litigation*, C.A. No. 4813-VCS (Del. Ch. Ct.) (settlement resulted in **\$29 million recovery** for the company); and
- *In re Moody's Corporation Shareholder Derivative Litigation*, 1:08-CV-9323 (S.D.N.Y.) (settlement involving comprehensive corporate governance reforms).

Ms. Nicholson completed a joint B.A./J.D. program at Tulane University, receiving a B.A. in Political Science, with a concentration in American Politics and Policies and a minor in Economics, from Tulane in 2003 and a J.D. from Tulane in 2005. While at Tulane Law School, Ms. Nicholson served as a Notes and Comments Managing Editor for the *Tulane Law Review*, which published her comment, *The Constitutional Right to Self-Representation: Proceeding Pro Se and the Requisite Scope of Inquiry When Waiving Right to Counsel*, 79 TUL. L. REV. 755 (2005). She has received numerous awards, including the Dean's Medal for attaining the highest grade point average during the third year, the George Dewey Nelson Memorial Award for attaining the highest grade point average in common law subjects throughout the three years of law study, and Order of the Coif. She graduated from the law school summa cum laude and ranked second in her class.

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Ms. Nicholson is admitted to practice in Louisiana and New York, and before the United States District Courts for the Eastern District of Louisiana, Western District of Louisiana, and Southern District of New York.

Michael J. Palestina

Mr. Palestina practices securities and other complex class action litigation. He focuses his practice on securities litigation involving mergers and acquisitions. In his capacity as a KSF partner, Mr. Palestina currently serves as lead, co-lead, or executive committee counsel in several ongoing M&A cases and has previously served in the same capacity in several successfully resolved M&A cases.

For example, Mr. Palestina took part in the successful resolution of *In re EnergySolutions, Inc. Shareholder Litigation*, Consol. C.A. 8203-YCG (Del. Ch. 2013), a securities class action involving claims for breach of fiduciary duties to shareholders relating to a proposed merger of nuclear energy related companies worth \$1.1 billion (\$375 million in proposed shareholder consideration), where there was a \$0.40 price increase, which increased the consideration to shareholders by more than 10%, or approximately \$38 million, and over 20 pages of additional disclosures to the proxy statement relating to process and pricing claims. Mr. Palestina similarly had an active role in the successful resolution of *Hill v. Cohen, et al. (Summit Financial Services Group, Inc.)*, 2013 CA 017640 (15th Jud. Cir. Ct., Fla.), another securities class action, where certain contingent and delayed aspects of the proposed merger consideration, worth several million dollars, were accelerated and paid to shareholders ahead of schedule and several pages of additional disclosures were made to the proxy statement.

Prior to joining KSF, Mr. Palestina clerked for the honorable Catherine D. Kimball, Chief Justice of the Louisiana Supreme Court, and practiced law at a well-respected New Orleans litigation firm. While there, Mr. Palestina gained valuable trial experience, focused on complex commercial litigation, and represented a number of judges and his fellow lawyers regarding ethical issues before the State's judicial and attorney disciplinary systems.

Mr. Palestina graduated from Tulane University in 2005 with a Bachelor of Arts in Political Science. He earned his J.D. in 2008 from Loyola University of New Orleans College of Law, where he graduated magna cum laude, was a William L. Crowe, Sr. Scholar, and was inducted into the Order of Barristers. While in law school, Mr. Palestina was a member of the Loyola Law Review and Loyola Moot Court, was the first place oralist in the Loyola Intramural Moot Court Competition, and represented Loyola at the Stetson International Environmental Moot Court Competition (where he was the fourth place oralist overall) and on the National

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Team at the New York Bar Association's National Moot Court Competition (where his team advanced to the finals). Mr. Palestina also served as a research assistant to the Leon Sarpy Professor of Law Professor Kathryn Venturatos Lorio, whom he assisted in a revision of her Westlaw treatise on Louisiana Succession and Donations, and as a Judicial Intern to Magistrate Joseph C. Wilkinson, Jr. of the United States Federal District Court for the Eastern District of Louisiana. Mr. Palestina's Law Review article, *Of Registry: Louisiana's Revised Public Records Doctrine*, was published in the Loyola Law Review.

Mr. Palestina is licensed to practice in Louisiana state and federal courts.

Of Counsel

Neil Rothstein

Neil Rothstein has spent more than twenty years prosecuting class action litigation on behalf of shareholders and consumers. He is a graduate of Case Western Reserve University (B.A. 1986) and the Temple University School of Law (J.D. 1989).

Mr. Rothstein has extensive experience in all plaintiff-side phases of securities, antitrust, consumer, and shareholder derivative litigation. He has always believed that the clients' needs come first. In that light, he focuses on helping to lead Kahn Swick & Foti, LLC in client development and communications, client education and client participation in litigation in which they have been financially and otherwise injured.

Special Counsel

Andrew J. Gibson

Mr. Gibson is special counsel to KSF. As a trial attorney, he has represented clients in commercial and casualty litigation in courts across the State of Louisiana and has a consistently successful record for his clients. Mr. Gibson received his J.D. from Loyola University New Orleans College of Law in 2004. While in school, he served as a Teaching Assistant and Staff member for the Moot Court program, was twice elected to the Executive Board of the Student Bar Association, and clerked at a nationally recognized law firm. During the summer of 2003, he studied Latin American civil law systems and international arbitration at the University of Costa Rica School of Law in San Jose, Costa Rica. He earned a Bachelor of Science degree in Business with a concentration in Pre-Law from the E.J. Ourso College of Business at Louisiana State University in 1997 and went on to work as a manager in the marketing department of a regional telecommunications company. Mr.

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Gibson is a veteran of the United States Marine Corps where he served as a Non-Commissioned Officer in the infantry.

Mr. Gibson is admitted to practice in the State of Louisiana and before the United States District Courts for the Eastern, Middle and Western Districts of Louisiana.

Associates

Alexander L. Burns

Alexander L. Burns is an associate in KSF's Louisiana office. Mr. Burns graduated with honors from the University of Southern Mississippi in 2000 with a B.S.B.A. in accounting. In 2001, he earned his Master's In Professional Accountancy. He has been a licensed CPA since 2003. From 2001 to 2004 Mr. Burns was employed by Ernst & Young, L.L.P., auditing the financial statements of both privately held and publicly traded entities spanning a variety of industries including casino gaming, health care, insurance, and energy. Following the Enron scandal of the early 2000s, and anticipating the need for attorneys with a strong understanding of accounting issues, Mr. Burns left E&Y to attend law school in 2004.

Mr. Burns received his J.D. and B.C.L. from Louisiana State University's Paul M. Hebert Law Center in 2007. While at LSU, he was awarded the CALI Award for Academic Excellence in Contracts, served as Treasurer of the Trial Advocacy Board, and has competed on various interschool mock trial teams. Mr. Burns has since practiced civil litigation, representing his clients' interests in contentious matters in both state and federal courts. All the while, Burns has remained active as an attorney coach and mentor to law students in LSU's Trial Advocacy Program.

Mr. Burns is a licensed Certified Public Accountant, and is admitted to practice in Louisiana, the related Federal District Courts, and the United States Fifth Circuit Court of Appeals.

Bruce W. Dona

Bruce Dona, an associate in KSF's New York office, focuses on federal securities class action, shareholder M&A litigation, antitrust, and shareholder derivative litigation. He is actively involved in cases pending before various federal and state courts across the United States.

Mr. Dona received his J.D. from George Washington University Law School in 2009. During the summer of 2007, he studied international trade law and comparative mergers and acquisitions in Rio de Janeiro, Brazil. He received his B.A. in 2004 with a double major in

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International Affairs and Foreign Languages (Spanish and French) from Lewis and Clark College. He is fluent in Spanish, French and Portuguese.

Mr. Dona is admitted to practice in New York and is a member of the New York State Bar Association.

J. Ryan Lopatka

J. Ryan Lopatka, an associate in KSF's Louisiana office, focuses on federal securities class action litigation. He is involved in cases pending before federal courts across the United States.

Mr. Lopatka received his J.D. from Tulane University Law School in 2010. During the summer of 2009, he studied international capital markets and securities law at Cambridge University and Queen Mary School of Law in London, England. He received his B.A. with honors in history from Loyola University New Orleans in 2004.

Mr. Lopatka is admitted to practice in Louisiana and Illinois and is a member of the Louisiana and Illinois State Bar Associations and Chicago Bar Association.

Publications:

- Author, "The Problem of Circumventing the Labor Management Reporting and Disclosure Act by Using the Ancillary Business Model," Hot Topics in the Legal Profession - 2010, Quid Pro Law Books (2010).
- Contributing Researcher, NLRA Rights in the Nonunion Workplace, BNA Books (2010).